

Year 2009 in Brief

PROMOTING EQUALITY

Gender equality plans

The Ombudsman for Equality has inspected gender equality plans for instance in connection with cases of suspected discrimination brought to her attention. In the instructions for drawing up gender equality plans, she drew particular attention to the content of pay surveys. A pay survey will be more transparent and the analysis of pay differentials easier if the pay is analysed by component in the survey. She also noted that women's and men's pay and the differences between them should be analysed and compared not only within professions and job groups but also between professions and job groups considered to be of equal rank.

The Ombudsman for Equality was further obliged to remind employers that the pay survey must include all personnel. In some cases, part-time or fixed-term employees were excluded, or the pay survey was otherwise incomplete.

Gender equality plans at educational institutions

In the year under review, the focus of the actions of the Ombudsman for Equality was on the quality of operating gender equality plans at universities of applied sciences. Many shortcomings were found in these plans, particularly with reference to the provision of the Act on Equality between Women and Men whereby the gender equality plan must be drawn up in cooperation with personnel and student representatives. Also, in many cases the gender equality plan did not include a survey of the current gender equality situation at the institution, and the operating gender equality plan was sometimes merged with the personnel policy gender equality plan.

The Ombudsman for Equality drew up instructions on how to prepare a gender equality plan to help improve the work of the institution; this document was distributed to all universities of applied sciences.

Quotas

In the year under review, the Ombudsman for Equality issued 23 statements on compliance with the quota provision in the Act on Equality between Women and Men. Numerous requests for instructions and advice were received from local authorities in connection with the municipal elections in 2008.

Even when a municipal body fulfils the letter of the quota provision as regards the election of ordinary and deputy members, it may be that the quota rule does not work in practice if meetings are usually attended by a male deputy member instead of a female ordinary member.

The autonomy of local government allows local authorities to cooperate in a number of matters, and this potential is being increasingly explored. The project to restructure local government and services represents a challenge for local authorities vis-à-vis gender equality because municipalities can independently appoint their representatives to joint municipal bodies. In such cases, there is no single decision on the composition of such a body that could be appealed.

ENFORCEMENT OF PROHIBITIONS ON DISCRIMINATION

Pregnancy and parenthood

Suspicious of discrimination in connection with pregnancy and family leave constitute the largest group of cases, after suspicions of discrimination in hiring and pay, brought to the attention of the Ombudsman for Equality. In addition to written responses and statements, instructions and advice were provided on a weekly basis on the Ombudsman's helpline concerning legal protection in cases of suspicion of discrimination in connection with pregnancy.

Hiring

The office of the Ombudsman for Equality regularly receives inquiries from people who suspect that in hiring they have been discriminated against because of their gender. In the year under review, the office processed some 40 cases of suspected discrimination in hiring; in most of these, complainants considered themselves to be more merited than the person appointed.

Educational institutions

In the year under review, several statements on educational institutions were requested from the Ombudsman for Equality. These requests included, among other things, exploring divisions into handicraft and woodworking classes by gender and the legality of training intended only for women. Many requests for a statement concerned the entrance requirements of educational institutions in one way or another.

Different pricing of goods and services

Goods and services are rapidly becoming a permanent area of interest in the work of the Ombudsman for Equality. The inquiries in this field were diverse. Discrimination was suspected in areas as far apart as the pricing of barbers' and hairdressers' services, gender-based pricing for certain types of insurance, loans for women entrepreneurs, discounts for women only on Women's Day, and bonus cards intended for women.

Particular attention was given to women-only periods at swimming baths, gyms and other sports facilities. Suspicions of discrimination were also voiced against the gender-based pricing of chatlines and the men's-turn/women's-turn alternation at dance pavilions and restaurants. Several men complained to the Ombudsman for Equality about the fact that at several restaurants only men are required to leave their bags in the cloakroom and pay the cloakroom charge.

Gender minorities

In the year under review, transsexuals contacted the Ombudsman for Equality in several cases of suspected discrimination and other problems. Their inquiries concerned discrimination at work, insurance claims, military service, renewal of school and work certificates, and treatment at swimming baths and gyms.

The Ombudsman for Equality continues to insist that legislation to protect gender minorities against discrimination and to promote their equality must be enacted urgently. These provisions should be entered in the Act on Equality between Women and Men.

OTHER ACTIONS

Study on legal practice regarding gender discrimination

In 2009, the Ombudsman for Equality commissioned the Finnish League for Human Rights to carry out a study on the application of the Act on Equality between Women and Men at general courts and administrative courts between 2005 and 2008. Some 70 civil cases involving the Act on Equality between Women and Men were tried by district courts in this period. The largest number of these involved suspicions of discrimination in connection with pregnancy and maternity leave, hiring, and pay. Where compensation was awarded, it varied between EUR 5,000 and EUR 9,000. In cases of suspicion of work discrimination under the Penal Code, this mostly involved disadvantageous treatment concerning pregnancy and maternity leave.

Network of national equality bodies of EU Member States (NEBN)

The purpose of NEBN, which was set up in 2006, is to monitor equality legislation in the EU and to discuss needs for changes to improve the fulfilment of gender equality.

NEBN discusses equality issues around themes agreed on an annual basis. In 2009, the theme was the availability and supply of goods and services and the implementation of the relevant EU Directive in the Member States.

Ombudsman for Equality becomes member of Equinet

In November 2009, the Ombudsman for Equality was accepted as a member of Equinet, a European network of independent national gender equality and equal opportunity authorities. Its aim is to establish a high level of protection against discrimination in the application of anti-discrimination legislation in the EU.

Equinet aims to help national equality authorities to do their jobs by offering opportunities for expertise development and exchange of best practices and experiences.